

Application No. 10/500,428

Reply to Office Action

*REMARKS/ARGUMENTS**Restriction Requirement*

The Office Action has set forth a restriction requirement that restricts the claims into 7 groups (i.e., Groups I-VII). Additionally, the Office Action requires that Applicants further elect the nucleic acid of SEQ ID NO: 1 or SEQ ID NO: 3 if Group I or II is elected for prosecution, or the polypeptide of SEQ ID NO: 2 or SEQ ID NO: 4 if one of Groups III-VI is elected for prosecution.

Claim Election

Applicants elect, with traverse, the claims of Group VII (claims 13-40).
Reconsideration of the requirement for restriction is respectfully requested.

Discussion of Claim Election

The subject application is the U.S. national stage of International Patent Application No. PCT/JP02/13757. The Office Action alleges that the inventions defined by the claims of Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.2 because they lack the same "special technical features." Under PCT Rule 13.2, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.2 defines the term "special technical features" as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art (see M.P.E.P. § 1893.03(d)).

The claims of Groups I-VII are linked so as to form a single general inventive concept. In other words, the claims of Groups I-VII share a common special technical feature, which defines the contribution that each claim makes over the prior art. In this respect, the claims of Groups I-VII recite therapeutic agents that regulate the G protein-coupled receptor (GPCR) 5D.

Given the special technical feature common to the claims of Groups I-VII, a search for prior art with respect to any of Groups I-VII would likely uncover references that would be considered by the Examiner during the examination of the other groups. As a result, the Examiner would incur no undue burden in examining the claims of Groups I-VII at the same time. See also M.P.E.P. § 803 ("If the search and examination of an entire application can be

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made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.” (emphasis added)).

In view of the foregoing, Applicants submit that the requirement for restriction is improper and should be withdrawn such that the claims of Groups I-VII are examined together.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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